



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,741	08/30/2001	Scott R. Wutterson	13914.741	8528
22913	7590	10/12/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)			CROW, STEPHEN R.	
60 EAST SOUTH TEMPLE			ART UNIT	
1000 EAGLE GATE TOWER			PAPER NUMBER	
SALT LAKE CITY, UT 84111			3764	
DATE MAILED: 10/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Action Abandonment  
 Response Due 12/28/04  
 By AR On 10/28/04  
 By RIC File # 13914.741

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/943,741

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

LED

## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

**Country Application**

Thursday, October 21, 2004

Page: 2

**List Of Actions**

Action(s) Due	Due Date		Action Taken
Claim Priority Warning	13-Sep-2001	Reminder	02-Nov-2001
Claim Priority Reminder	27-Sep-2001	Reminder	02-Nov-2001
Claim Priority Due	30-Oct-2001	Due Date	02-Nov-2001
IDS Reminder	30-Oct-2001	Reminder	27-Nov-2001
Information Disclosure Stmtnt	30-Nov-2001	Due Date	27-Nov-2001
MISSING PARTS	04-Dec-2001	Due Date	19-Oct-2001
Send standard letter	28-Feb-2002	Due Date	27-Feb-2002
Verify with Brad	01-Mar-2002	Due Date	21-Mar-2002
Verify	01-Apr-2002	Due Date	08-May-2002
Claim Priority Follow Up Date	02-May-2002	Due Date	02-Nov-2001
IDS Follow Up Date	27-May-2002	Due Date	27-Nov-2001
Foreign Filing 3 Mo. Reminder	30-May-2002	Reminder	06-Aug-2002
Verify	01-Jul-2002	Due Date	11-Jul-2002
Foreign Filing Due	30-Aug-2002	Due Date	06-Aug-2002
Status Check	30-Aug-2002	Due Date	21-Sep-2002
Verify with Bra Follow Up Date	11-Jan-2003	Due Date	11-Jul-2002
Foreign Filing Follow Up Date	06-Feb-2003	Due Date	06-Aug-2002
Check Status	30-Aug-2003	Due Date	05-Sep-2003
RESPONSE	03-Dec-2003	Reminder	23-Mar-2004
Draft response	26-Dec-2003	Due Date	16-Mar-2004
RESPONSE	03-Jan-2004	Due Date	26-Feb-2004
2 month extension deadline	03-Mar-2004	Due Date	23-Mar-2004
EXT. RESPONSE	03-Mar-2004	Reminder	26-Feb-2004
EXT. RESPONSE	03-Apr-2004	Due Date	23-Mar-2004
check status	30-Aug-2004	Due Date	26-Nov-2003
Verify abandonment	26-Oct-2004	Due Date	
Verify abandonment	12-Dec-2004	Due Date	

User ID: apalmer

Date Created: 18-Apr-2001

Last Update: 20-Oct-2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

022913 7590 06/02/2004

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER  
& SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

CROW, STEPHEN R

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 06/02/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,741	08/30/2001	Scott R. Watterson	13914.741	8528

TITLE OF INVENTION: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	09/02/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

022913

7590

06/02/2004

**WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)**  
**60 EAST SOUTH TEMPLE**  
**1000 EAGLE GATE TOWER**  
**SALT LAKE CITY, UT 84111**

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,741	08/30/2001	Scott R. Watterson	13914.741	8528

**TITLE OF INVENTION: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORTS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	09/02/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CROW, STEPHEN R	3764	482-051000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee

☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

# UNITED STATES PATENT AND TRADEMARK OFFICE

Effective October 1, 2003

Any fee amount paid on or after October 1, 2003, must be paid in the revised amount.

The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.

For additional information, please contact the General Information Services Division at (703) 308-4357 or (800) 786-9199.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
<b>Patent Application Filing Fees</b>				
1001/2001	1.16(a)	Basic filing fee - Utility .....	770.00	385.00
1201/2201	1.16(b)	Independent claims in excess of three .....	86.00	43.00
1202/2202	1.16(c)	Claims in excess of twenty .....	18.00	9.00
1203/2203	1.16(d)	Multiple dependent claim .....	290.00	145.00
1051/2051	1.16(e)	Surcharge - Late filing fee or oath or declaration .....	130.00	65.00
1002/2002	1.16(f)	Design filing fee .....	340.00	170.00
1007/2007	1.16(f)	Design filing fee (CPA) .....	340.00	170.00
1003/2003	1.16(g)	Plant filing fee .....	530.00	265.00
1004/2004	1.16(h)	Reissue filing fee .....	770.00	385.00
1009/2009	1.16(h)	Reissue filing fee (CPA) .....	770.00	385.00
1204/2204	1.16(i)	Reissue independent claims over original patent .....	86.00	43.00
1205/2205	1.16(j)	Reissue claims in excess of 20 and over original patent .....	18.00	9.00
1005/2005	1.16(k)	Provisional application filing fee .....	160.00	80.00
1052/2052	1.16(l)	Surcharge - Late provisional filing fee or cover sheet .....	50.00	25.00
1053	1.17(i)	Non-English specification .....	130.00	
<b>Patent Post-Allowance Fees</b>				
1501/2501	1.18(a)	Utility issue fee .....	1,330.00	665.00
1502/2502	1.18(b)	Design issue fee .....	480.00	240.00
1503/2503	1.18(c)	Plant issue fee .....	640.00	320.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication .....	300.00	
1505	1.18(d)	Publication fee for republication .....	300.00	
<b>Patent Maintenance Fees</b>				
1551/2551	1.20(e)	Due at 3.5 years .....	910.00	455.00
1552/2552	1.20(f)	Due at 7.5 years .....	2,090.00	1,045.00
1553/2553	1.20(g)	Due at 11.5 years .....	3,220.00	1,610.00
	1.20(h)	Surcharge - Late payment within 6 months .....	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable .....	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional .....	1,640.00	
<b>Miscellaneous Patent Fees</b>				
1801/2801	1.17(e)	Request for continued examination (RCE) (see 37 CFR 1.114) .....	770.00	385.00
1808	1.17(i)	Processing fee, except in provisional applications .....	130.00	
1803	1.17(i)	Request for voluntary publication or republication .....	130.00	
1802	1.17(k)	Request for expedited examination of a design application .....	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action .....	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action .....	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement .....	180.00	
1807	1.17(q)	Processing fee for provisional applications .....	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a)) .....	770.00	385.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b)) .....	770.00	385.00
1811	1.20(a)	Certificate of correction .....	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination .....	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination .....	8,800.00	
1814/2814	1.20(d)	Statutory disclaimer .....	110.00	55.00

\* Reduced by basic filing fee paid.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

**WORKMAN NYDEGGER**

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
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**FACSIMILE COVER PAGE**

To: Blanche May (Image Assistance Center) UNITED STATES PATENT AND TRADEMARK OFFICE  
Fax No.: (703) 308-50<sup>65</sup>~~56~~  
No. of Pages: 11 (incl. this page)  
From: David B. Dellenbach  
Date: October 21, 2004

File No./Subject: **PETITION UNDER 37 C.F.R. § TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**  
Patent Application  
Serial No.: 09/943,741  
Filing Date: August 30, 2001  
Title: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT  
Our File: 13914,741

**Applicants request that copies of the Notice of Allowance and Notice of Allowability  
be sent to Applicants' counsel.**

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**PRIVILEGED AND CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

---

**IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (801) 533-9800  
AS SOON AS POSSIBLE**

FAX OPERATOR: _____	TIME SENT _____	A.M./P.M. _____	CONFIRMED _____	A.M./P.M. _____
UNABLE TO SEND: _____	Incorrect telephone number _____	UNABLE TO CONFIRM: _____	No telephone number _____	
	No answer _____		After hours _____	
			No answer _____	



FILED VIA FACSIMILE (703) 308-5056

PATENT APPLICATION  
Docket No. 13914.741

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

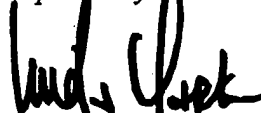
In re application of		)	
	Watterson, et al.	)	
Serial No.:	09/943,741	)	
Filed:	August 30, 2001	)	Art Unit
Confirmation No.	8528	)	3764
For:	ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT	)	
Examiner:	Stephen R. Crow	)	

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents are being filed with the U.S. Patent and Trademark Office via facsimile to Attn: Blanche May – Image Assistance Center, Examiner U.S. Patent and Trademark Office, facsimile number: (703) 308-5056 this 21 day of October, 2004:

- Transmittal for Petition Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (1 page)(in duplicate)
- Petition Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Amendment After Notice of Allowance Under 37 C.F.R. § 1.312 (2 pages)
- Copy of Notice of Abandonment (3 pages)
- Copy of Docket Record (2 pages)

Respectfully submitted,



Linda Clark, Assistant to  
David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
Customer No. 022913  
Telephone No. (801) 533-9800

**WORKMAN | NYDEGGER**

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707

WEBSITE: HTTP://WWW.WNLAW.COM

VIA FACSIMILE (703) 308-5065

PATENT APPLICATION  
Docket No. 13914.741

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Watterson, et al.

Serial No.: 09/943,741

Filed: August 30, 2001

Conf. No.: 8528

For: ELLIPTICAL EXERCISE DEVICE WITH LEAF  
SPRING SUPPORTS

Examiner: Stephen R. Crow

) Art Unit  
) 3764**TRANSMITTAL FOR PETITION UNDER 37 C.F.R. § 1.181**  
**TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**VIA FACSIMILE (703) 308-5065  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith for filing is a PETITION UNDER 37 C.F.R. § 1.181 TO

WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE

ACTION in the above-identified patent application.

Dated this 21 day of October 2004.

Respectfully submitted,

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*[Handwritten signature]*

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October 16, 2003

Thursday

October 2003

November 2003

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8 00	ISSUE FEES DUE ON 10/23/03 FOR LIN944 plus supplemental declaration (SENT ON 9/12/03)	<input checked="" type="checkbox"/>
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9 00	ISSUE FEES DUE ON 10/23/03 FOR NNY1788 (SENT ON 9/26/03)	
	ISSUE FEES DUE ON 10/23/03 FOR CON675	
10 00	ISSUE FEES DUE ON 10/23/03 FOR TOR6619 plus drawings (sent on 9/12/03)	
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